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10/582,209	06/09/2006	Rainer Brachert	2003P01907WOUS	3969

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

ROHRHOFF, DANIEL J

ART UNIT	PAPER NUMBER
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3637

NOTIFICATION DATE	DELIVERY MODE
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12/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/582,209	Applicant(s) BRACHERT, RAINER	
	Examiner DAN ROHRHOFF	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-23, 29-31 and 34-38 is/are rejected.
- 7) ☒ Claim(s) 24-28, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-19, 21-23, 29-31 & 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani (US patent 5,471,709) in view of Mansfeld (GB 708,367).

3. Regarding claim 15, Lanzani discloses a housing for a household appliance, comprising a body (4) and at least one door (6 & 7), which is connected to the body in a manner that enables it to swivel due to the provision of at least one first and one second multiple-articulation hinge (1 located at the top and bottom of door), wherein the door is supported on an upper supporting surface (5b of the top hinge) of the first multiple-articulation hinge and a lower supporting surface (5b of the bottom hinge) of the second multiple-articulation hinge. Lanzani does not disclose a shim inserted between the door and at least one of the supporting surfaces. Mansfeld teaches at least one shim inserted (11) between a door (7) and a supporting surface (3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hinges of Lanzani to include a shim between the supporting surface of the hinge and the door as taught by Mansfeld, since it would have allowed for vertical adjustment of the door.

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4. Regarding claim 16, Lanzani, as modified by Mansfeld, does not teach a plurality of shims between the supporting surfaces and the door. Mansfeld further teaches a plurality of shims (11 in Fig. 5) inserted between the supporting surfaces and the door (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hinges of Lanzani to include a plurality of shims between the supporting surfaces and the door as taught by Mansfeld, since it would have allowed for vertical adjustment of the door.

5. Regarding claim 17, Lanzani, as modified by Mansfeld, teaches a housing wherein the supporting surfaces are arranged on a support element (5) which is disposed on a hinge arm (10) of the first and second multiple-articulation hinges which is coupled to the door (Fig. 2).

6. Regarding claim 18, Lanzani, as modified by Mansfeld, does not teach a housing wherein the shims have a rectangular basic outline and are made of plastic injection molding. It would have been an obvious manner of design choice to one of ordinary skill in the art at the time of the invention to modify the shims of Lanzani, previously modified by Mansfeld, into the shape of a rectangle to match the shape of the support element (5), since it would have hidden the shim between the door and the support element. It would have been an obvious matter of material selection to one of ordinary skill in the art at the time of the invention to make the shims of a plastic injection molding, since it would have lowered cost and weight.

7. Regarding claim 19, Lanzani, as modified by Mansfeld, teaches a housing wherein a heat-insulating body of the door (6) is arranged between the supporting

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surfaces of the multiple-articulation hinge (Fig. 2) and the multiple-articulation hinges are concealed behind edge sections of the door (7 in Fig. 3) projecting over the body (Fig. 3).

8. Regarding claim 21, Lanzani, as modified by Mansfeld, discloses a housing wherein the supporting surface is connected to the door by means of at least one screw (21c) on at least one of the multiple-articulation hinges (Fig. 3).

9. Regarding claim 22, Lanzani, as modified by Mansfeld, teaches a housing wherein the screw extends through an oblong hole (21b) of the supporting surface (Fig. 3).

10. Regarding claim 23, Lanzani, as modified, teaches a housing wherein the oblong hole is aligned parallel to the door (Fig. 3 shows 21b is parallel to the front face of the door).

11. Regarding claim 29, Lanzani discloses a refrigerator comprising: a housing including a body (4) and a door (6 & 7); first and second multiple-articulation hinges (1 located at the top and bottom of door) coupling the door to the body in a manner that enables the door to swivel, wherein the door is supported with an upper supporting surface (5b of the top hinge) of the first multiple-articulation hinge and a lower supporting surface (5b of the bottom hinge) of the second multiple-articulation hinge.

Lanzani does not disclose at least one shim removably inserted between the door and one of the supporting surfaces. Mansfeld teaches at least one shim (11) removably inserted between a door (7) and a supporting surface (3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hinges of

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Lanzani to include a shim between the supporting surface of the hinge and the door as taught by Mansfeld, since it would have allowed for vertical adjustment of the door with respect to the body.

12. Regarding claim 30, Lanzani, as modified by Mansfeld, does not disclose a refrigerator further comprising a plurality of shims removably inserted between the supporting surfaces and the door, the position of the door with respect to the body being adjustable in a vertical direction in response to the number of shims disposed between the supporting surfaces and the door. Mansfeld further teaches a plurality of shims (11 in Fig. 5) removably inserted between a supporting surfaces (3) and a door (7), the position of the door with respect to a body (4) being adjustable in a vertical direction in response to the number of shims disposed between the supporting surfaces and the door (Col. 3: lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the refrigerator of Lanzani, previously modified by Mansfeld, to include a plurality of shims between the supporting surfaces of the door to adjust the position of the door with respect to the body as taught by Mansfeld, since it would have allowed the door to align with the body.

13. Regarding claim 31, Lanzani, as modified by Mansfeld, discloses a refrigerator comprising a mounting bracket (16) coupled between the first multiple-articulation hinge and the door (Fig. 2) and permitting the door to be adjusted in a horizontal direction with respect to the body (the abstract reads the second support member also includes adjustment structure (16) enabling adjustment of the horizontal...position of the panel (7) relative to the door (6)). Since the examiner is considering the door to comprise of

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the door 6 and its front panel 7 to door is obviously adjusting its horizontal position relative to the body).

14. Regarding claim 34, Lanzani, as modified by Mansfeld, does not disclose the shim inserted between the door and the supporting surface to cause the door to be adjusted in a vertical direction with respect to the body. Mansfeld further teaches the shims (11) inserted between the door (7) and the supporting surface (3) to cause the door to be adjusted in a vertical direction with respect to a body (4) (Col. 3: lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani, previously modified by Mansfeld, to include a shim between the door and the supporting surfaces as taught by Mansfeld, since it would have allowed the door to be adjusted vertically relative to the body.

15. Regarding claim 35, Lanzani discloses a housing for a cabinet-like household appliance, comprising: a body (4); at least one door (6 & 7) coupled to the body in a manner that enables the at least one door to swivel with respect to the body, the at least one door being vertically adjustable with respect to the body (the abstract reads the second support member also includes adjustment structure enabling adjustment of the ... vertical position of the panel (7) relative to the door (6). Since the examiner is considering the door to comprise the door 6 and its front panel 7 to door is obviously vertically adjusting relative to the body); at least one first multiple-articulation hinge (1 at the bottom of the body), wherein a lower end of the door is supported on an upper supporting surface (5b of the bottom hinge) of the first multiple-articulation hinge; at least one second multiple-articulation hinge (1 at the top of the body), wherein an upper

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end of the door is supported by a lower supporting surface (5b of the top hinge) of the second multiple-articulation hinge. Lanzani does not disclose at least one shim between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and the upper end of the door and the lower supporting surface of the second multiple-articulation hinge, the at least one shim vertically adjusting a position of the door with respect to the body. Mansfeld teaches at least one shim (11) between the lower end of a door (7) and the upper supporting surface (1a) of a hinge (1), the at least one shim vertically adjusting a position of the door with respect to the body (Col. 3: lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani to include at least one shim between the upper and lower ends of the door and the supporting surface of the multiple articulation hinges to adjust the vertical position of the door as taught by Mansfeld, since it would have allowed the door to align with the body.

16. Regarding claim 36, Lanzani, as modified by Mansfeld, does not teach a housing wherein the at least one shim includes a plurality of shims, wherein at least one first shim of the plurality of shims is between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and wherein at least one second shim of the plurality of shims is between the upper end of the door and the lower supporting surface of the second multiple-articulation hinge. Mansfeld further teaches a plurality of shims (11 in Fig. 5) between the lower end of a door (7) and an upper supporting surface (1a) of a hinge (1) (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani,

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previously modified by Mansfeld, to include a plurality of shims between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge as taught by Mansfeld, since it would have adjusted the vertical position of the door. It also would have been obvious to one of ordinary skill in the art at the time of the invention to include shims between the upper end of the door and the lower supporting surface of the second multiple-articulation hinge since it is merely duplicating the hinge from the bottom end of the door.

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani in view of Mansfeld and further in view of Richardson et al. (US patent 5,113,628).

18. Lanzani, as modified by Mansfeld, does not teach a glass door. Richardson et al. teaches a housing wherein an outer wall of the door is formed by a glass pane (Col 2: 46). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the door of Lanzani, previously modified by Mansfeld, to include a glass pane as taught by Richardson et al., since it would have allowed the user to see inside the housing.

19. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani in view of Mansfeld and further in view of Horgan, Jr. (US patent 3,555,733).

20. Regarding claim 37, Lanzani, as modified by Mansfeld, does not teach a housing wherein the plurality of shims includes a predetermined total number of shims between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and the upper end of the door and the lower supporting surface of the second multiple-articulation hinge. Horgan, Jr. teaches a predetermined total number of

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shims (28 & 29) between left and right support surfaces of a hinge (Fig. 3) (Col. 2: lines 51-55). While this teaches horizontal adjustment it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani, previously modified by Mansfeld, wherein the plurality of shims includes a predetermined total number of shims between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and the upper end of the door and the lower supporting surface of the second multiple-articulation hinge as taught by Hogan, Jr., since it would have allowed the position of the door to be set relative to the body.

21. Regarding claim 38, Lanzani, as modified by Mansfeld and Horgan, Jr., does not teach a housing wherein a number of the at least one first shim of the plurality of shims is different than a number of the at least one second shim of the plurality of shims.

Horgan, Jr. further teaches a number of the at least one first shim (28) is different than a number of the at least one second shim (29) (Col. 2: lines 51-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani, previously modified by Mansfeld and Horgan, Jr., wherein a number of the at least one first shim of the plurality of shims is different than a number of the at least one second shim of the plurality of shims as taught by Horgan, Jr., since it would have allowed the vertical position of the door to be adjusted.

Allowable Subject Matter

22. Claims 24-28 & 32-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

23. Applicant's arguments filed 10/14/09 with regards to the rejection under 35 U.S.C. 103 of claims 15-19, 21-23 & 29-31 have been fully considered but they are not persuasive.

24. Regarding the argument that Lanzani has nothing to do with adjusting the door with respect to the body of the refrigerator. Since the door consists of panels (6 & 7) an adjustment made to either panel will affect the position of the door relative to the body, therefore when an adjustment is made to panel (7), the position of the door is changing relative to the body.

25. Regarding the argument that one of ordinary skill in the art would not have been motivated to modify Lanzani in view of Mansfeld, the argument is not persuasive.

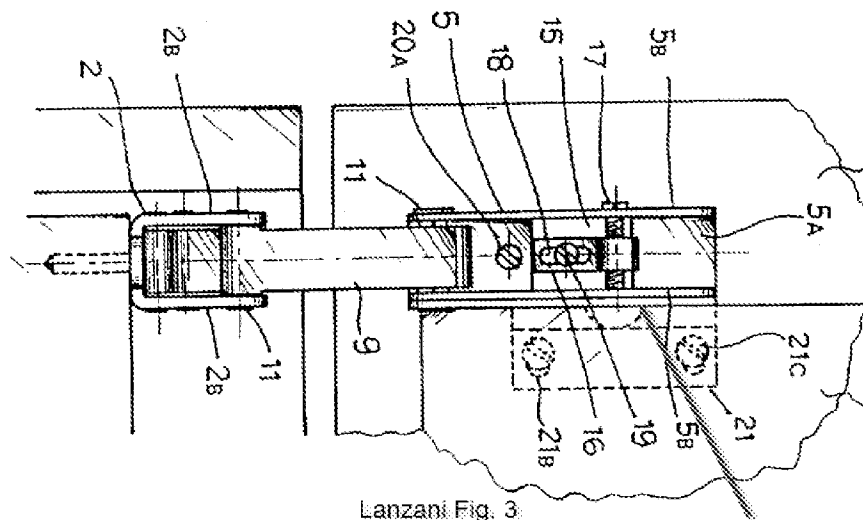
Adding a different means for vertically adjusting the door would have allowed for the door to be installed at approximately the desired height using the shims of Mansfeld and then the door could have been precisely adjusted without having to remove the door from the hinges.

26. Regarding the argument that inserting shims between the door and the hinge would adjust the door in a horizontal direction, the examiner disagrees. Inserting a plurality of shims between the supporting surfaces of the upper and lower hinges (as

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indicated in the rejection of claim 15 above) and the door would provide for a change in the vertical position of the door relative to the body. The horizontal adjustment as pointed out by the applicant would be made if the plurality of shims were inserted between the door and the front panel.

27. Regarding the argument the office fails to explain how a plurality of shims could be inserted between the supporting surfaces of the hinges and the door to adjust the door in a vertical direction are not persuasive. Additionally, the figure below points out where the shim would be inserted between supporting surfaces of the hinges and the door to provide for vertical adjustability.



28. Regarding the argument that it would not be obvious to modify Lanzani in view of Mansfeld by the Hogan, Jr. reference, it is not persuasive. See the rejection of claims 37& 38.

Conclusion

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29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAN ROHRHOFF** whose telephone number is (571)270-7624. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. R./
Examiner, Art Unit 3637
12/9/09

/Janet M. Wilkens/
Primary Examiner, Art Unit 3637